

Serial No.: 10/527,125
Art Unit: 2623

Docket PU020419
Customer No. 24498

RECEIVED
CENTRAL FAX CENTER

Remarks/Arguments

APR 01 2008

The Office Action mailed January 28, 2008 has been reviewed and carefully considered.

Claims 1-22 remain pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-6, 10-13, 16 and 18-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,014,694 to Aharoni, et al. Initially, applicant would like to clarify the concepts of the claimed principles. As shown and described with reference to the system and method in Figures 1-3, a generator generates a plurality of different bit rates for each program. As is clear from the specification as originally filed, this means that for each video stream (i.e., a program), more than one version of that same program is generated having at least two different bit rates (i.e., two streams of the same program that have different bit rates).

In asserting this rejection, the Examiner has cited that Aharoni et al. for "generating at least two different bit rate representations of each program" citing Col. 3, lines 9-17. However, Aharoni et al teaches nothing of the sort. As shown and described with reference to Figures 1-3 (Col. 6, line 33 – Col. 9, line 15) a raw video source 12 is input into a video compression/file generator 14. The output of the video/compression file generator is stored as compressed video 16 for retrieval from the video server 18 and distribution over the network 20, and ultimately to a client 22. The video/compression file generator "adjusts the compression ratio" to accommodate the measured bandwidth of the channel. This concept, however, is not the same, nor remotely suggestive of applicant's claimed principles where more than one representation of the same program is generated at different bit rates for later retrieval. Aharoni et al clearly states "Depending on the channel bandwidth, the system adjusts the compression ratio to accommodate a plurality of bandwidths ranging from 20Kbps – POTS to Mbps for switched LAN environments...where the bandwidth adjustment is provided by offering a trade off

Serial No.: 10/527,125
Art Unit: 2623

Docket PU020419
Customer No. 24498

between video resolution (e.g., 160x120, 320x420, 640x480), frame rate (e.g., 30fs, 15fs, 7.5fs) and individual frame quality (See Col 6, line 64 – Col. 7, line 6).

In fact, Aharoni et al, in this passage teaches a completely different concept than the present principles which clearly discloses the idea of generating two or more different bit rate representations of the same (each) program.

In view of this distinction alone, Aharoni et al. fails to anticipate, or render obvious the teachings of the claimed invention as set forth in originally submitted independent claims 1 and 10.

In view of the above failed teachings of Aharoni et al., it is further clear that, and contrary to the Examiner's assertion, there is no means for selecting "a representation for each program such to maximize the quality of the selected representation". Aharoni et al. does not provide for different representations of the same program in at least two different bit rates. In fact, Col. 6, line 61- Col. 7, line 6 do not disclose or remotely suggest this concept. Aharoni et al teaches the use of a different compression ratio based on the bandwidth of the channel, but clearly does not "select" between already generated versions of the same program at different bit rates. This is clearly a primary aspect of the claimed principles of the present invention and is neither taught by, nor suggested in the teachings of Aharoni et al.

In view of the foregoing, it is respectfully submitted that Aharoni et al. does not anticipate, nor render obvious Independent claims 1 and/or 10 of the presently claimed invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,014,694 to Aharoni et al., in view of U.S. Patent publication No. 2002/0010938 to Zhang et al.

Claims 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,014,694 to Aharoni et al., in view of U.S. Patent No. 5,940,738 to Rao.

Claims 9 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,014,694 to Aharoni et al., in view of U.S. Patent Publication No. 2003/0046704 to Laksono et al.

Claims 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,014,694 to Aharoni et al., in view of U.S. Patent No. 6,665,872.

Serial No.: 10/527,125
Art Unit: 2623

Docket PU020419
Customer No. 24498

Claims 2-9 and 11-21 depend from independent claims 1 and 10, respectively. As such, these dependent claims are allowable based on the distinctions between their parent claims and the primary reference to Aharoni et al.

Reconsideration and allowance of all claims on the merits, as originally filed is respectfully requested.

RECEIVED
CENTRAL FAX CENTER

APR 01 2008

Conclusion

In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fees are believed to be due. Kindly charge any fees due or credit any refunds to Deposit Account 07-0832.

Respectfully submitted,
Jill MacDonald Boyce

By: Robert B. Levy
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
April 1, 2008